

City Council Introduction: **Monday**, February 2, 2004
Public Hearing: **Monday**, February 9, 2004, at **1:30 p.m.**

Bill No. 04-20

FACTSHEET

TITLE: **STREET VACATION NO. 03016**, requested by Hampton, L.L.C., to vacate all of Telluride Circle, generally located one block south of Fletcher Avenue and one block west of North 27th Street.

STAFF RECOMMENDATION: A finding of conformance with the Comprehensive Plan.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda
Administrative Action: 10/29/03

RECOMMENDATION: A finding of conformance with the Comprehensive Plan (6-0: Carlson, Duvall, Krieser, Larson, Steward and Taylor voting 'yes'; Bills-Strand and Marvin absent).

FINDINGS OF FACT:

1. The purpose of this proposed street vacation is to reconfigure the layout. The street vacation will leave lots without frontage. Therefore, the land must be platted to prevent isolated lots with no frontage on a street.
2. The staff "Analysis" as set forth on p.2-3 concludes that the vacation of this street conforms with the 2025 Comprehensive Plan, upon condition that the abutting owners submit a final plat that will create lots that front on and have access to public streets or private roadways.
3. On October 29, 2003, this application appeared on the Consent Agenda of the Planning Commission and was opened for public hearing. No one came forward to speak.
4. On October 29, 2003, the Planning Commission agreed with the staff recommendation and voted 6-0 to find the proposed street vacation to be in conformance with the Comprehensive Plan, with the conditions of approval as set forth on p.3.
5. The appraisal submitted by the City Real Estate Division is found on p.9, which recommends that the area be vacated and deeded to the abutting property owner at no cost if the area is replatted and a new street dedicated in the replat.
6. The City Clerk has determined that the provisions of Chapter 14.20 of the Lincoln Municipal Code have been satisfied, and a final plat has been submitted as required by Condition #1.2.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: January 26, 2004

REVIEWED BY: _____

DATE: January 26, 2004

REFERENCE NUMBER: FS\CC\2004\SAV.03016

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 29, 2003 PLANNING COMMISSION MEETING

P.A.S.: Street and Alley Vacation #03016

PROPOSAL: To vacate all of Telluride Circle.

LOCATION: One block south of Fletcher Avenue and one block west of N. 27th.

LAND AREA: 45,554 square feet, more or less.

CONCLUSION: With conditions, this conforms to the Comprehensive Plan.

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|-------------------------------|------------------------------------|
| <u>RECOMMENDATION:</u> | Conforms to the Comprehensive Plan |
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GENERAL INFORMATION:

SURROUNDING LAND USE AND ZONING:

| | | |
|--------|--------------------------|-------------------------|
| North: | Commercial | H-3, Highway Commercial |
| South: | Residential, undeveloped | R-3, Residential |
| East: | Open space, commercial | R-3, H-3 |
| West: | Residential | R-3 |

HISTORY: Special Permit #1828 was rescinded by the Planning Director at the request of owner on July 28, 2003 by Administrative Amendment #03053.

Special Permit #1828 for 205 person elderly housing units and 140 child daycare was approved by the City Council on February 28, 2000.

North Creek Preliminary Plat #98021 was approved by the City Council on April 12, 1999.

COMPREHENSIVE PLAN SPECIFICATIONS: The Land Use Plan indicates this area as urban residential (F-25).

UTILITIES: The Public Works & Utilities Department indicated that the Lincoln Water and Wastewater Divisions have existing facilities in the area of the proposed vacation. There is also an existing storm sewer system in place. A permanent easement will need to be established for the entire vacated area. A new plat of this area will be required. The new plat may require relocation or abandonment of these

TRAFFIC ANALYSIS: Telluride Circle is classified as a local street in the comprehensive plan (F-103). This street does not provide traffic circulation for surrounding developments.

ANALYSIS:

1. This is a request to vacate Telluride Circle. The applicant intends to reconfigure the area and change the right-of-way boundaries. In order to reconfigure the layout, a street vacation is necessary. A preliminary plat has been submitted showing a revised layout and is attached.
2. The Public Works & Utilities Department indicated that portions of the right-of-way be retained as permanent easements until the developer plats the area and relocates the facilities at their own expense.
3. The street vacation will leave lots without frontage or access, therefore, the land must be platted to prevent isolated lots with no frontage on a street. The applicant must submit a plat that provides frontage and access in compliance with Title 26 Land Subdivision Ordinance prior to scheduling the vacation request on City Council. Then the vacation can be approved by the City Council, ownership transferred to the subdividers and the final plat approved and filed with the Register of Deeds.

BEFORE THE VACATION REQUEST IS SCHEDULED ON THE CITY COUNCIL AGENDA THE FOLLOWING MUST BE COMPLETED:

- 1.1 The provisions of Chapter 14.20 of the Lincoln Municipal Code are met.
- 1.2 The abutting owners must submit a final plat that will create lots that front on and have access to public streets or private roadways and all requirements of the final plat have been completed except the transfer of ownership of the vacated street to the subdividers.

Prepared by:

Becky Horner
Planner

DATE: October 14, 2003

APPLICANT: Hampton, LLC
3801 Union Drive, Suite 102
Lincoln, NE 68516

OWNERS: Same

CONTACT: Same

STREET VACATION NO. 03016

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

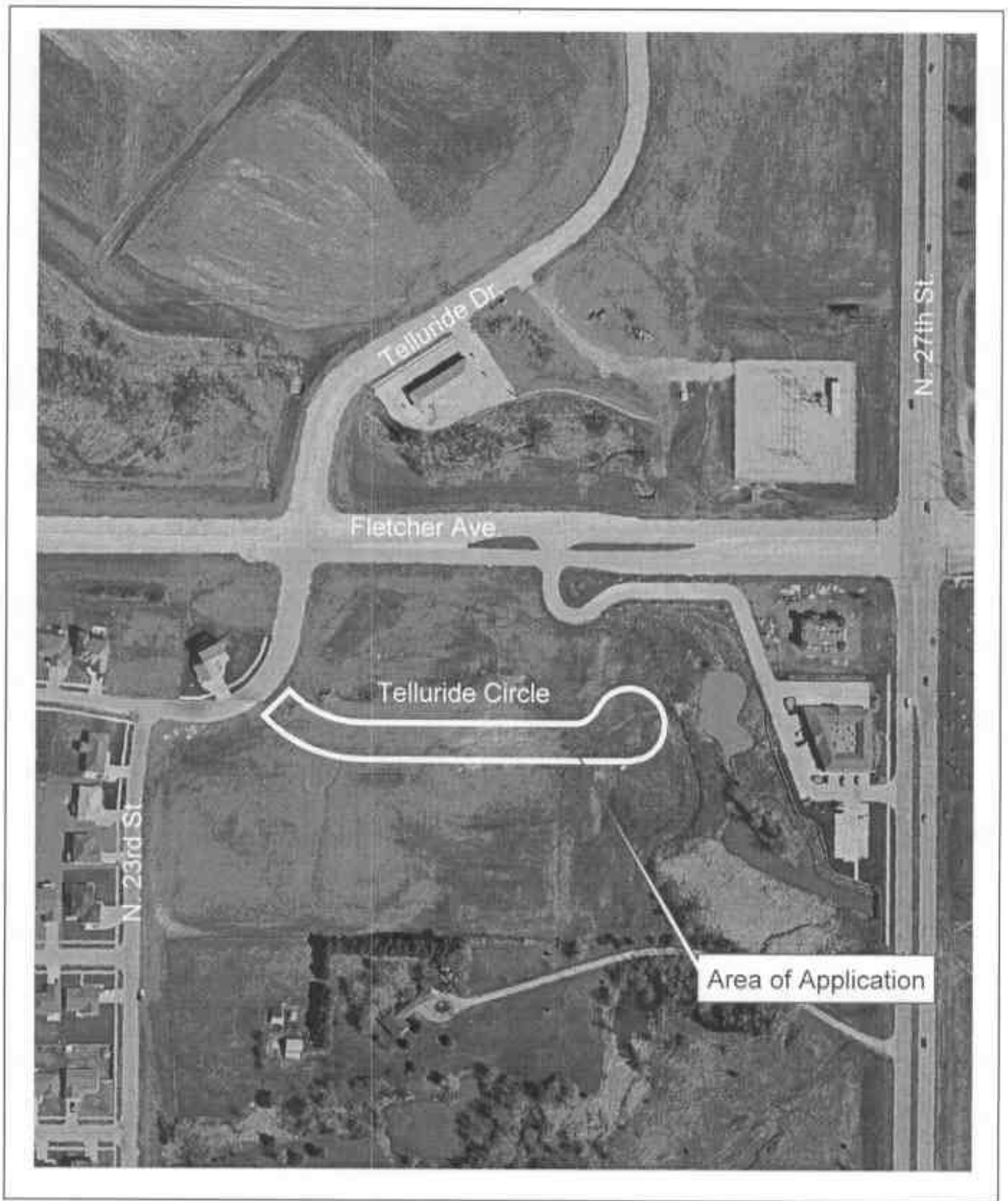
October 29, 2003

Members present: Carlson, Duvall, Krieser, Larson, Steward and Taylor; Bills-Strand and Marvin absent.

The Consent Agenda consisted of the following items: **CITY/COUNTY COMPREHENSIVE PLAN CONFORMANCE NO. 03012, STREET AND ALLEY VACATION NO. 03012, STREET AND ALLEY VACATION NO. 03013** and **STREET AND ALLEY VACATION NO. 03016.**

Item No. 1.1, City/County Comprehensive Plan Conformance No. 03012; Item No. 1.2, Street and Alley Vacation No. 03012; and Item No. 1.3, Street and Alley Vacation No. 03013, were removed from the Consent Agenda and scheduled for separate public hearing.

Taylor moved to approve the remaining Consent Agenda, seconded by Krieser and carried 6-0: Carlson, Duvall, Krieser, Larson, Steward and Taylor voting 'yes'; Bills-Strand and Marvin absent.

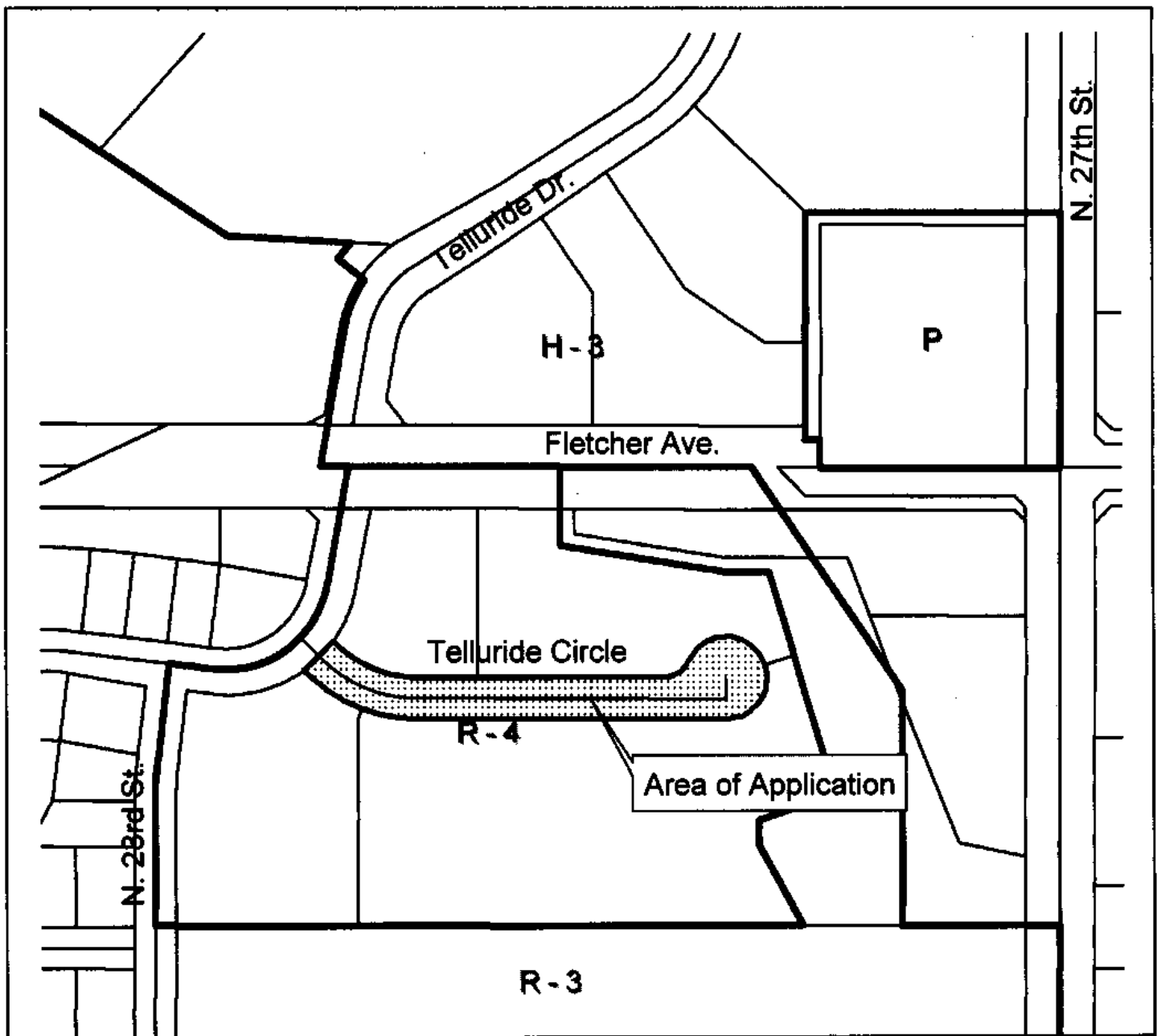


Street & Alley Vacation #03016
Telluride Circle

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Lincoln City - Lancaster County Planning Dept.
2002 aerial

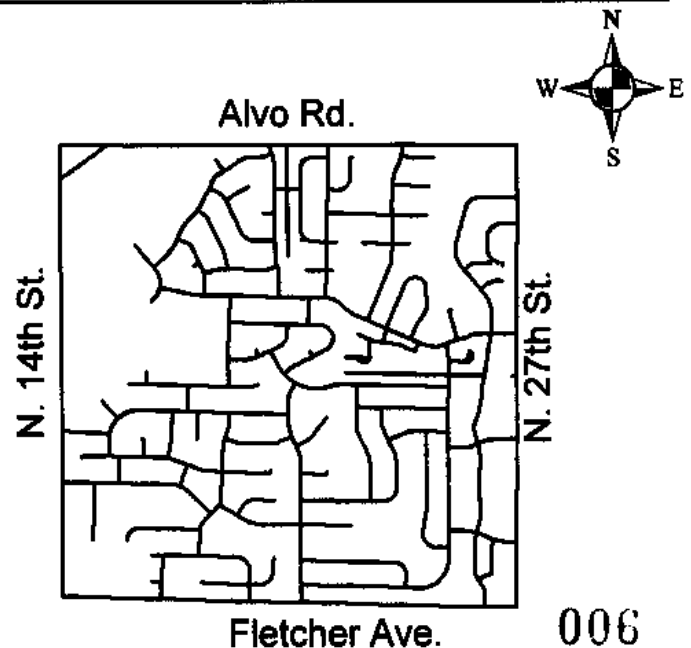
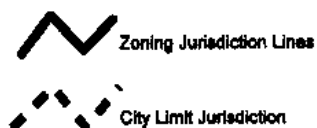


Street & Alley Vacation #03016 Telluride Circle

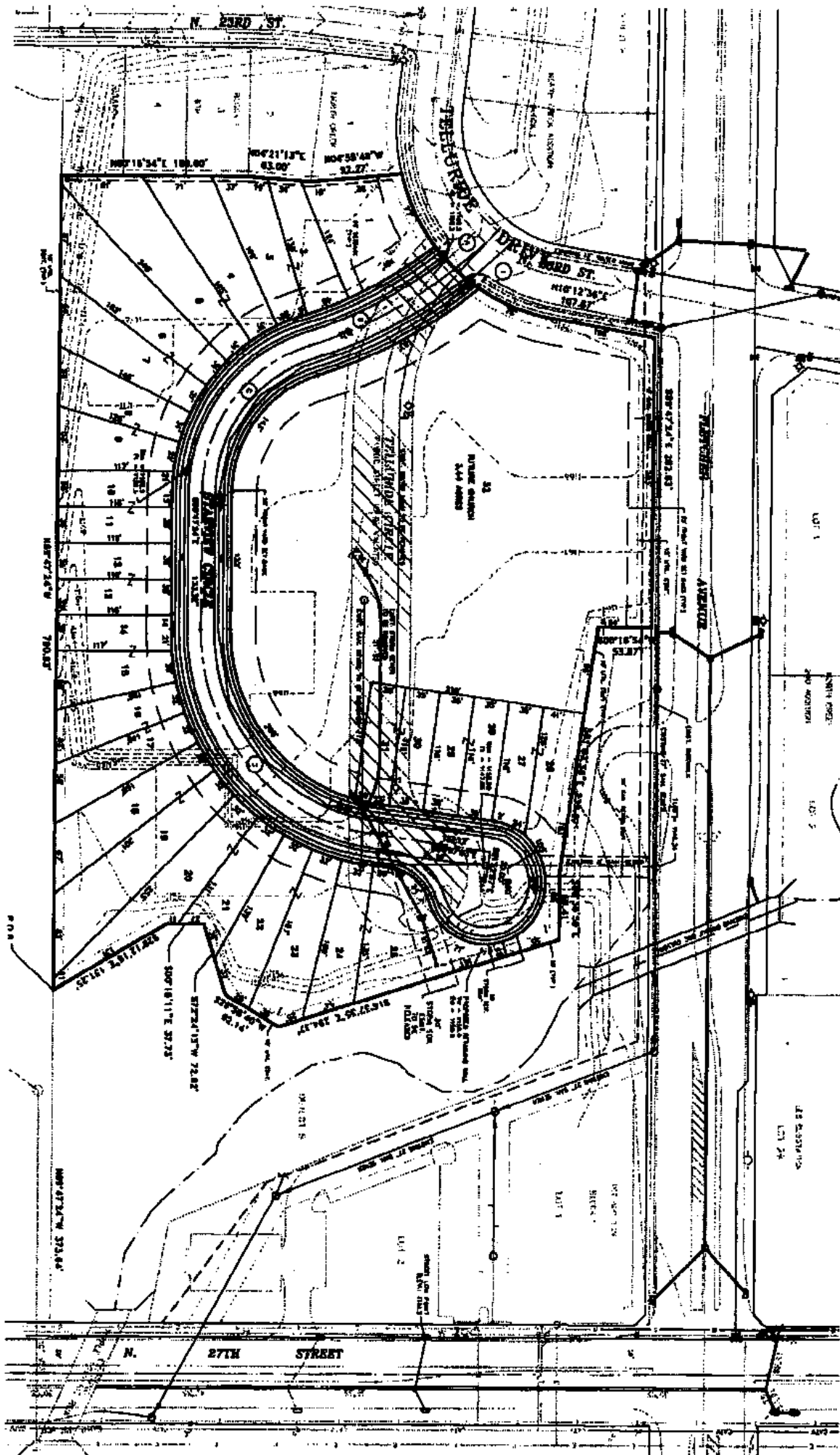
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-6 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile
Sec. 36 T11N R6E



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**CITY OF LINCOLN
NEBRASKA**

MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Engineering Services
Public Works and Utilities Department

Allan Abbott, Director

531 Westgate Blvd.

Suite 100

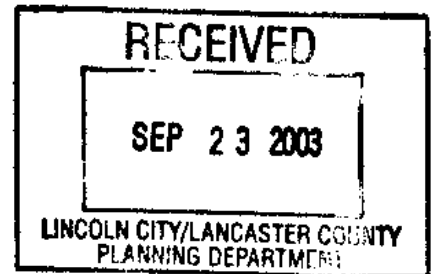
Lincoln, Nebraska 68528

402-441-7711

fax: 402-441-6576

September 22, 2003

Lincoln City/Lancaster County
Planning Commission
Lincoln, NE 68508



RE: Vacating all of Telluride Circle

Dear Ladies and Gentlemen:

The Department of Public Works and Utilities has received proper petitions from Hampton, LLC., owners of Lots 1 through 4, Block 1 North Creek Retirement Addition, to vacate the above described public right-of-way. Petitioner has requested this vacation in order to replat this area.

The Lincoln Water and Wastewater Divisions have existing facilities in the area of proposed vacation. There is also an existing storm sewer system in place. A permanent easement will need to be established for the entire vacated area. A revised plat of this area will also be required. The revised plat may require relocation or abandonment of these utilities.

The Department of Public Works and Utilities recommends approval of this vacation request with the above described conditions. This vacation contains an area of 45,554 Square feet, more or less.

Sincerely,



Byron Blum
Engineering Services

cc: Mayor Coleen J. Seng
Allan Abbott
Marvin Krout
Marc Wullschleger
Roger Figard
Randy Hoskins
Nicole Fleck-Tooze
Joan Ross
Clint Thomas
Dana Roper

INTEROFFICE MEMORANDUM

TO: Mayor Seng
& City Council Members

FROM: Clinton W. Thomas

DEPARTMENT: City Council Office

DEPARTMENT: Real Estate Division

ATTENTION:

DATE: January 5, 2004

COPIES TO: Joan Ross
Marvin Krout
Dana Roper
Byron Blum

SUBJECT: Vacation of Telluride Circle

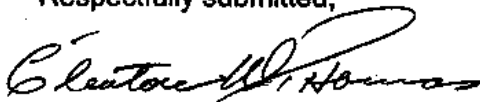
A request has been made to vacate Telluride Circle which is located off of Telluride Drive between North 23rd Street and Fletcher Avenue. The area was viewed and appeared to be at grade with the abutting properties. There is a sanitary sewer and water system located within the area as evidenced by a hydrant and sanitary sewer manhole which are visible within the street right-of-way. Public Works has asked easements be retained for these and other utilities located within the area. There is also evidence of staking for a new street alignment which would coincide with the proposed replat of the area.

It is this writer's understanding the area is proposed to be replatted and a new street dedicated which would replace the existing street right-of-way. It appears from the preliminary plat there is actually more area within the street to be dedicated than the existing right-of-way which is being vacated. That being the case, it is recommended if the area is replatted and a new street dedicated to replace the existing Telluride Circle the existing street right-of-way be vacated and deed to the abutting property owner at no cost. However, if there is no dedication of a replacement street, the right-of-way being vacated is estimated to have a value of \$1.00 per square foot. Its value would then be as follows:

$$45,554 \text{ sq. ft.} \times \$1.00/\text{sq. ft.} = \$45,554.00 \text{ Called } \$45,500$$

In summary; it is recommended if the area is replatted and a new street dedicated in the replat, the area be vacated and deeded to the abutting property owner at no cost. However, in the absence of a replat and street dedication it would be recommended if the area were vacated it be sold to the abutting property owner for \$45,500.

Respectfully submitted,



Clinton W. Thomas
Certified General Appraiser #990023

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